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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/271,249	03/17/1999	TAKASHI SHINZAKI	614.1948	3857

21171 7590 09/23/2004

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EXAMINER

GURSHMAN, GRIGORY

ART UNIT PAPER NUMBER

2132

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/271,249

Applicant(s)

SHINZAKI ET AL.

Examiner

Grigory Gurshman

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 05 August 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: SEE ENCLOSED OFFICE ACTION.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

DETAILED ACTION

In response to Applicant's remarks filed on 8/05/04, examiner provides the following comments and explanations:

1. Applicant uses the listing of the independent claims in accordance with respective functions as they are recited in the independent claims. The functions are marked as following:

M = measuring

C = converting

E = extracting

R = registering

V = verifying

V' = verifying (no extraction is involved)

CMP = comparing

2. Examiner states that this definition of functions recited in the independent claims is not accurate for the following reasons:

2.1 Referring to the independent claims 1, 19, 27, the function of verifying the biometric information with respect to a previously obtained biometric sample of an individual is performed by comparing the currently obtained biometric information with the one previously obtained and stored as recited in the independent claims 29-30.

Therefore comparing and verification is the same function. Using the Applicant's table the grouping of the claims will look as following:

Functions

group I : Claims 1,19 and 27

MCEV

group IV: Claims 29 and 30

MCE CMP

As explained herein V=CMF, therefore the combination of functions for independent claims 1, 19, 27 and 29-30 equals MCEV. Having the same combination of functions recited, the instant claims are rejected by a combination of the same references, as shown in the rejections herein.

2.2 Referring to claims 1, 19, 27, Applicant points out that the instant claims recite measuring the biometric information, converting the biometric information, extracting the feature information and verifying against the previously extracted converted feature.

Applicant also points out that the independent claims 9, 22 and 28 recite measuring the biometric information, extracting the feature information, converting the extracted feature biometric information and verifying it against converted extracted feature previously obtained.

Examiner points out that all of the functional steps performed are used only for accomplishing one thing – verification of the biometric information and thereby authenticating an individual. Verification is performed by comparing converted extracted feature or extracted converted feature with a previously obtained sample (extracted and converted). Therefore the process of verification recited in all of the independent claims 1, 19, 27 and 9, 22, 28 is the same and produces the same result

regardless of the order of steps performed prior to verification. Therefore the prior art showing of all features MCE applies as well with claims reciting features MEC.

2.3 Referring to the independent claims 17, 25 and 31, Applicant states that the function steps recited are MCRV'. Examiner fully agrees with this interpretation of the functions recited in the instant claims and points out that these claims are rejected as a separate group as shown in rejections herein. However, with regard to the independent claims 18 and 26, examiner points out that the scope of these claims is broader than that of the claims 17, 25 and 31, since they do not recite the type of conversion used. Therefore claims 18 and 26 are not of similar scope to claims 17, 25 and 31. Applicant states that the set of function steps recited in claims 18 and 26 is MCRV'. Examiner agrees, but points out that verification is performed by comparison of a biometric sample information in the corresponding form previously obtained and stored. For the purpose of comparing the two pieces of biometric information it is irrelevant whether these pieces are extracted converted portions of biometric information or converted biometric samples. From the technical point of view comparison is done by comparing certain bit values. Therefore the function step $V' = V$ and consequently, claims 18 and 26 reciting steps MCV' can be grouped with claims 1, 19 and 27 reciting steps MCV. Registering previously obtained information recited in claims 18 and 26 is the same as storing previously obtained biometric sample as recited in claims 1, 19 and 27.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (703) 306-2900. The examiner can normally be reached on 9 AM-5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GG
9/08/04

Grigory Gurshman
Examiner
Art Unit 2132



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